

Calendar No. 195

105TH CONGRESS }
1st Session }

SENATE

{ REPORT
105-100

KAKE TRIBAL CORPORATION LAND EXCHANGE ACT

OCTOBER 7, 1997.—Ordered to be printed

Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, submitted the following

REPORT

together with

ADDITIONAL VIEWS

[To accompany S. 1159]

The Committee on Energy and Natural Resources, to which was referred to the bill (S. 1159) having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Kake Tribal Corporation Land Exchange Act”.

SEC. 2. AMENDMENT OF SETTLEMENT ACT.

The Alaska Native Claims Settlement Act (Pub. L. 92-203, December 18, 1971, 85 Stat. 688, 43 U.S.C. 1601 et seq.), as amended, is further amended by adding at the end thereof:

“SEC. KAKE TRIBAL CORPORATION LAND EXCHANGE.

“(a) GENERAL.—The Secretary of Agriculture in accordance with the equal value provisions of section 22(f) shall convey to the Kake Tribal Corporation the Federal land as described in subsection (c).

“(b) TITLE TO SURFACE AND SUBSURFACE.—Subject to valid existing rights and easements, the Secretary shall, no later than the deadline specified in (c)(2) of this section, convey to Kake Tribal Corporation title to the surface estate in the land described in subsection (c)(2) and convey to Sealaska Corporation title to the subsurface estate in that land.

“(c) DESCRIPTION AND DEADLINES.—The land to be conveyed under this section is in the Copper River Meridian and is further described as follows:

“(1) the surface and subsurface estates to the municipal watershed land to be conveyed by Kake Tribal Corporation and Sealaska to the United States no later than 90 days after the effective date of this section is shown on the map dated September 1, 1997, and labeled Attachment A, and is described as follows:

<i>Municipal Watershed—T56S, R72E</i>	
<i>Section</i>	<i>Approximate acres</i>
13	82
23	118
24	635
25	640
26	346
34	9
35	349
36	248
Approximate Total	2,427

“(2) the surface and subsurface estates to the land to be conveyed to Kake Tribal Corporation and Sealaska by the Secretary of Agriculture shall be lands in the Hamilton Bay and Saginaw Bay areas and shall be conveyed within 180 days after the conveyance of lands in subsection (c)(1); and are to be selected from the lands depicted on the maps dated September 1, 1997, and labeled Attachments B and C.

“(d) MANAGEMENT OF WATERSHED.—The Secretary of Agriculture shall enter into a Memorandum of Agreement with the City of Kake, Alaska to provide for management of the municipal watershed.

“(e) TIMBER MANUFACTURING; EXPORT RESTRICTION.—Notwithstanding any other provision of law, timber harvested from land conveyed to Kake Tribal Corporation under this Act is not available for export as unprocessed logs from Alaska, nor may Kake Tribal Corporation sell, trade, exchange, substitute, or otherwise convey that timber to any person for the purpose of exporting that timber from the State of Alaska.

“(f) RELATION TO OTHER REQUIREMENTS.—The land conveyed to Kake Tribal Corporation and Sealaska Corporation under this section shall be for all purposes, considered land conveyed under the Alaska Native Claims Settlement Act.

“(g) MAPS.—The maps referred to in this section shall be maintained on file in the Office of the Chief, United States Forest Service, and in the Office of the Secretary of the Interior, Washington, DC. The acreage cited in this section is approximate, and if a discrepancy arises between cited acreage and the land depicted on the specified maps the maps shall control. The maps do not constitute an attempt by the United States to convey State or private land.”.

PURPOSE OF THE MEASURE

The purpose of S. 1159, as ordered reported, is to direct the Secretary of Agriculture to enter into an equal value exchange of lands and interests therein, in the Tongass National Forest with Kake Tribal Corporation and Sealaska Corporation.

BACKGROUND AND NEED

The Alaska Native Claims Settlement Act (ANCSA) authorized the transfer of 23,040 acres of land from the United States government to Kake Tribal Corporation.

ANCSA required all village corporations to select all public land in the core township area. This core township area included the present day municipal watershed. Kake Tribal did not know that it would not be able to make economic use of the watershed in the future. During the 70's it was commonly assumed that logging in these watersheds would not be a problem as the Forest Service was allowing it at the time. Only after Kake made its selections under ANCSA did the problems caused by excessive logging in municipal watersheds and near anadromous fish streams become better understood.

In the 1980's, Congress took measures to protect drinking water sources by amending legislation including the Safe Drinking Water Act which contains provisions such as the Sole Aquifer Program and the Well Head Protection Program to protect public water supplies. These protective measures were implemented long after Kake Tribal had selected lands in the municipal watershed area. Therefore, to provide Kake Tribal the opportunity to maximize the benefits from its ANCSA land selections and to protect the community watershed something needed to be done.

To resolve this problem, S. 1159 would require the Kake Tribal Corporation to convey ownership of approximately 2,427 acres of land used for the municipal watershed to the United States Forest Service. In exchange, the Kake Tribal Corporation will be allowed to select other lands in the Saginaw and Hamilton Bay areas. This legislation requires this exchange of lands, and interests therein, to be of equal value. The legislation also directs the Secretary of Agriculture to enter into a Memorandum of Agreement with the City of Kake for the management of the watershed. Lastly, the legislation requires that any timber harvested from land acquired by Kake Tribal Corporation not be available for export.

LEGISLATIVE HISTORY

S. 1159 was introduced on September 10, 1997, by Senator Murkowski. The Full Committee held a hearing on S. 1159 on September 17, 1997. At the business meeting on September 24, 1997, the Committee on Energy and Natural Resources ordered S. 1159, as amended, favorable reported.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Committee on Energy and Natural Resources, in open business session on September 24, 1997, by a unanimous voice vote of a quorum present, recommends that the Senate pass S. 1159, if amended as described herein.

COMMITTEE AMENDMENTS

During the consideration of S. 1159, the Committee adopted an amendment in the nature of a substitute offered by Senator Murkowski. In addition to numerous clarifying, technical and conforming changes, the bill was reported with an amendment assuring the Sealaska subsurface estate will be transferred to the United States in conjunction with the Kake Tribal surface estate. Additionally, the amendment clarifies that the values of the lands and interests to be exchanged be equal.

SECTION-BY-SECTION ANALYSIS

Section 1—Short Title.—This section states the Short Title of the S. 1159 to be the “Kake Tribal Corporation Land Exchange Act”.

Section 2—Amendment of Settlement Act.—Section 2(a) directs the Secretary of Agriculture, in accordance with the equal value provision of Section 22(f) of ANCSA to convey to Kake Tribal Corporation lands as described in subsection (c) of the legislation. Section 2(b) directs the Secretary to convey to Kake Tribal Corporation

the surface estate and to Sealaska Corporation the subsurface estate of the lands described in subsection (c)(2) of the legislation. Section 2(c)(1) directs that within 90 days after enactment the surface and subsurface interests owned by Kake Tribal and Sealaska Corporation are to be conveyed to the Secretary. This section also contains a legal description of those lands along with a reference to maps showing the municipal watershed. Section 2(c)(2) requires that within 180 days after the lands described in Section 2(c)(1) have been conveyed to the Secretary, the Secretary shall convey the surface estate to Kake Tribal Corporation and the subsurface estate to Sealaska Corporation in lands selected by Kake Tribal Corporation from the area depicted on the map described in this section. Section 2(d) directs the Secretary to enter into a Memorandum of Agreement with the city of Kake, Alaska to provide for management of the municipal watershed described herein. Section 2(e) requires that any timber harvested from the lands conveyed to Kake Tribal Corporation under this section not be available for the purpose of exporting that timber from the state of Alaska. This section also prohibits any party to which Kake Tribal Corporation may sell, trade, exchange, substitute, or convey any of the timber from the lands it receives under this section from using the timber for the purpose of export. Section 2(f) requires the land conveyed to Kake Tribal Corporation and Sealaska Corporation to be for all purposes, considered land conveyed under ANCSA. Section 2(g) directs the maps referred to in this section to be maintained on file in the Office of the Chief, Forest Service, and in the Office of the Secretary of the Interior, Washington, D.C. Should a discrepancy arise between cited acreage and lands on the maps, this section dictates that the maps control.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 6, 1997.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1159, the Kake Tribal Corporation Land Exchange Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Victoria V. Heid.

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 1159—Kake Tribal Corporation Land Exchange Act

CBO estimates that enacting this bill would not have a significant impact on the federal budget. Because the bill could affect off-

setting receipts (a form of direct spending), pay-as-you-go procedures would apply, but we estimate that any increase in direct spending would total less than \$500,000 per year. S. 1159 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 and would impose no significant costs on the budgets of state, local, or tribal governments.

S. 1159 directs the Secretary of Agriculture to convey to the Kake Tribal Corporation and Sealaska Corporation the surface and subsurface estate of lands in the Hamilton Bay and Siginaw Bay areas within the Tongass National Forest, to be selected by the two corporations from federal lands depicted on the maps described in the bill dated September 1, 1997. The bill also provides that, in exchange, the Kake Tribal Corporation and Sealaska Corporation convey to the United States the surface and subsurface estates to about 2,400 acres of municipal watershed land. The bill would direct the Secretary of Agriculture to enter into a Memorandum of Agreement with the city of Kake, Alaska, to provide for management of the municipal watershed.

S. 1159 does not specify the federal land to be conveyed to the Kake Tribal Corporation, but it does provide that the exchange be on the basis of equal value, unless the Secretary determines it is in the public interest to make the exchange for other than equal value. For the purpose of this estimate, CBO assumes that the lands exchanged under the bill will be of approximately equal value. Enacting this bill could decrease offsetting receipts to the federal government because, according to the Forest Service, the federal lands to be conveyed to the corporation under the exchange would likely include areas with merchantable timber, whereas the land to be acquired from the corporation in the proposed exchange has been partially harvested, and that portion would thus be unavailable for further harvest (for at least several more years). Furthermore, the Forest Service would consider the acquired area unsuitable for future harvesting because it lies within the municipal watershed for the city of Kake. CBO estimates that any net increase in direct spending from foregoing timber receipts would total less than \$50,000 per year over the 1998–2007 period.

Based on information from the Forest Service, CBO estimates that the agency could incur additional administrative costs to manage the municipal watershed, such as upgrading some roads, obliterating and revegetating other roads, and surveying the area. However, we estimate that such costs would total less than \$500,000 per year, subject to appropriation of the necessary amounts.

The CBO staff contact for this estimate is Victoria V. Heid. This estimate was Approved by Paul N. Van de Water, Assistant Director for Budget Analysis.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 1159. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 1159, as ordered reported.

EXECUTIVE COMMUNICATIONS

On September 25, 1997, the Committee on Energy and Natural Resources requested legislative reports from the Department of Agriculture and the Office of Management and Budget setting forth Executive agency recommendations on S. 1159. These reports had not been received at the time the report on S. 1159 was filed. When the reports become available, the Chairman will request that they be printed in the Congressional Record for the advice of the Senate. The testimony provided by the Forest Service at the Committee hearing follows:

STATEMENT OF ELEANOR TOWNS, DIRECTOR OF LANDS, FOREST SERVICE, DEPARTMENT OF AGRICULTURE

Mr. Chairman and members of the subcommittee, thank you for the opportunity to discuss S. 1159 with you. I am Eleanor Towns, the national director of the lands program for the Forest Service. I am accompanied today by James B. Snow, Deputy Assistant General Counsel, U.S. Department of Agriculture.

S. 1159 would amend the Alaska Native Claims Settlement Act (ANCSA) to require the Secretary of Agriculture to convey Federal land in the Tongass National Forest to the Kake Tribal Corporation, Huna Totem Corporation, and Sealaska Corporation within 90 days of enactment, in exchange for surface interests in certain land within the townships of Kake and Hoonah. The Administration strongly opposes enactment of both bills.

This bill sets unacceptable precedents by reopening native entitlements under the Alaska Native Claims Settlement Act (ANCSA) and by enabling village corporations to exchange lands they selected under ANCSA for more valuable Federal land. Both bills direct land exchanges that are not in the public interest.

ANCSA EFFECTED AN EQUITABLE SETTLEMENT

The Alaska Native Claims Settlement Act (ANCSA) granted over 200 village corporations rights to select public lands for a variety of uses. Each corporation was required to select the public lands within the township in which the village is located. Any remaining lands needed to complete a village corporation's entitlement were to be selected from adjacent townships withdrawn for selection. Section 16 of ANCSA entitled each of ten village corporations in Southeast Alaska, including those from Kake Tribal and Huna Totem Corporation, to select 23,040 acres of public land in contiguous and reasonably compact tracts.

ANCSA provided each village corporation with management control over land in the core township immediately around the village. ANCSA did not require or contemplate that all land conveyed to village corporations be suitable for development. Nor did it require or contemplate a Federal responsibility to maximize financial re-

turns to the village and regional corporations from the lands they selected.

If S. 1159 is enacted, any of the over 200 village corporations could argue that they too were entitled to exchange land they were required by law to select under ANCSA for more valuable Federal land. Setting this precedent would severely disrupt Federal land management throughout Alaska with significant costs and consequences for all of the American taxpayers. ANCSA was a final settlement and, as such, represented many trade-offs and compromises. Bills such as those before us threaten to unravel the settlement through piece-meal amendments.

In addition, the lands that Kake has identified for conveyance to them were not identified and withdrawn under ANCSA for selection by the corporation, and we are concerned that future claims by other village corporations would potentially seek to use a similar procedure to acquire lands not prescribed by ANCSA. In the long run, these types of exchanges could transfer vast wealth from the public to private corporations without equal value consideration to the United States.

LAND EXCHANGES NOT IN THE PUBLIC INTEREST

Mr. Chairman, we do not believe that the land exchanges directed in S. 1159 is in the public interest. The primary reason the Forest Service pursues land exchanges is to provide more efficient management of a forest through consolidation of existing federal ownership and to dispose of isolated parcels that are uneconomical to manage or where further consolidation is not anticipated. These bills are in direct conflict with these goals.

A premise in all public land law is that exchanges should be based on equal value, not acre-for-acre as is proposed by these bills. It is common sense that the American public should get back something of equal value to what it gives up. In S. 1159 and S. 1158, Kake Tribal Corporation and Huna Totem Corporation would receive prime timber lands from the Federal government, but in return, some of the land that the Federal government would be receiving lands has already been cutover.

Another problem with the exchanges directed by these bills concerns the subsurface estate. Under ANCSA, Sealaska Corporation received the subsurface estate underlying village corporation selections in southeast Alaska. Under the bills, Sealaska would not exchange its rights underlying the areas conveyed to the United States but would acquire all the additional subsurface underlying the lands conveyed to Kake Tribal Corporation and Huna Totem Corporation. This would create a split estate in the areas that would be conveyed to the Federal government with the Federal government owning the surface and Sealaska Corporation owning the subsurface. Because of the many management problems engendered by split estates, USDA policy in exchanges it to require the exchange of both the surface and subsurface. The bills would result in a 4,426-acre windfall of additional subsurface estate in the Tongass National Forest for Sealaska Corporation and would not be in the public interest.

Section 22(f) of ANCSA authorizes equal value exchanges in Alaska between the Federal government and Native corporations.

In 1976, that authority was amended to allow for departures from equal value when the appropriate Secretary determined it to be “in the public interest” primarily in response to the difficulty of appraising land in Alaska where comparable sale data was sparse. However, the Forest Service’s consistent administrative application of section 22(f) is to require equal value exchanges, with ambiguities in valuation permitted only where a demonstrable federal interest would be advanced by an exchange. No federal interest would be advanced by S. 1159 or S. 1158.

Mr. Chairman, now let me specifically address our concerns about S. 1159.

S. 1159, a bill “To Amend ANCSA regarding Kake Tribal Corporation land exchange”

S. 1159 requires that the Secretary of Agriculture convey Federal lands in the Tongass National Forest to Kake Tribal Corporation and Sealaska Corporation within 90 days of enactment in exchange for surface interests in lands in the township of Kake.

Under S. 1159, the Kake Tribal Corporation would reconvey the surface interest in approximately 2,427 acres of land in Kake township to the United States, but the subsurface estate in these lands would be retained by Sealaska Corporation. In return, Kake Corporation would receive an equal number of acres of prime commercial timber land. This proposal mandating a numerically equal-acre exchange gives Kake Tribal Corporation a tremendous windfall.

The shareholders of Kake Tribal Corporation have derived significant benefits from the land the Corporation now wants to convey back to the United States, and will continue to do so even if no further development occurs on this land. Much of the area has been roaded and operable timber on the tract has been harvested by the Corporation. In addition, the land comprises part of Kake’s municipal watershed, which provides clean water for the village and for a fish hatchery and fish processing facilities owned by Kake Tribal Corporation. Together, these facilities represent a significant share of the village’s economy.

S. 1159 directs the return from private to Federal ownership of lands needed as a municipal watershed based on the false premise that protection of municipal watersheds is a Federal responsibility. It is not.

The recent Revision of the Tongass Land Management Plan expressly discourages the acquisition of lands in municipal watersheds in its management prescriptions for land exchanges. This prescription clearly reflects the principle, practiced by the State of Alaska and many communities, that communities should control their own municipal watershed.

We see no compelling reason that the Federal government should re-acquire the property and manage it for local watershed purposes. The Forest Service does not have the staff or the budget to serve as the municipal water managers for Kake or any other community. To become municipal watershed managers for as many as 200 villages in Alaska would take considerable investment of money. We believe that our energies would be better spent in our mission areas.

Section 3(d) of S. 1159 directs the Forest Service to enter into a Memorandum of Understanding with the City of Kake to resolve our objection to managing a municipal watershed. This arrangement, however, engenders problems of its own. As a Federal agency we would oppose turning over surface management of a tract of land to another entity to manage, given the different laws under which we operate. The residents of Kake have several mechanisms for influencing how Kake Tribal Corporation manages its land in the municipal watershed. We believe a memorandum of understanding between the city and the corporation over existing ownerships would be more appropriate.

Should the lands be conveyed to Federal ownership, existing developments within the watershed lands would have to be authorized to Kake Tribal Corporation under special use permits and potentially be modified to meet federal standards. These include the Kake Tribal Corporation fish hatchery, a dam (reservoir), a pipeline, and a water tank. Also included are an access road and powerline. Forest Service administration of such developments and permits is undesirable. Finally, no provision has been made to assure road right-of-way access to lands to be acquired from Kake Tribal Corporation. Currently, these lands are used by local residents for a variety subsistence and recreational purposes. Should the Forest Service acquire these lands, access would be essential.

Most of the land identified for conveyance to Kake Tribal Corporation from Federal ownership has not been harvested. Where harvesting has taken place near these National Forest System lands, the Federal Government has significant investment in infrastructure including the construction of several miles of permanent roads in which as much as \$1 million has been invested. Additionally, several hundred thousand dollars have been invested in improving these second-growth timber stands. All of these Federal investments would facilitate the Corporation's development of the timber resources on the land to be conveyed by the United States under this bill. We believe the exchange required in S. 1159 would result in a windfall to Kake Tribal Corporation.

We are also concerned about the effects that enactment of S. 1159 would have on the timber program on the Tongass National Forest. For instance, if the lands near Saginaw Bay on Kuiu Island are transferred to Kake Tribal Corporation, existing timber sales currently being planned in the area by the Forest Service would be disrupted. Approximately 5 MMBF is currently under contract and would be jeopardized, and approximately 9 MMBF would be reduced from the current sale program planned through the year 2006. Considerable time and expense would be required to modify the timber sale plans. The existing log transfer facility at Saginaw Bay would be needed for both Federal and Corporation timber sales which would impose significant log-accountability problems. This would isolate considerable National Forest System land on which timber sales are programmed and planned.

The lands in Saginaw Bay are also highly valued for subsistence hunting. Both Saginaw Creek and Straight Creek in Saginaw Bay are major salmon streams, supporting subsistence and commercial fishing.

There are also several technical and administrative problems with the legislation. For example, it would be virtually impossible to convey the Federal lands involved within 90 days of enactment of the bill. It is not possible to complete a land survey in that amount of time, even under contract. Also, determination of values requires considerable examination and evaluation, which would exceed the 90 days stipulated in the language. There would also be a high cost in surveying both the Federal and private lands being exchanged. Recent local estimate of cost is \$20,000 per mile of boundary. A rough estimate based on previous proposals could cost the agency roughly \$500,000.

Another issue is whether section 14(c)(3) of ANCSA, which requires the conveyance to a municipal corporation of the surface estate of any lands “. . . on which the Native village is located as much additional land as is necessary for community expansion, and appropriate rights-of-way for public use, and other foreseeable needs,” encompasses some portion of the watershed lands at issue in S. 1159. Kake Tribal Corporation has not filed its 14(c) reconveyance plan with the Bureau of Land Management.

Finally, existing public uses of the Tongass National Forest could be compromised due to the lack of access through lands being conveyed to Kake Tribal Corporation.

ADDITIONAL VIEWS OF SENATOR BUMPERS

During consideration of S. 1159, the Committee adopted an amendment in the nature of a substitute that requires that the values of the lands and interests to be exchanged under this bill be equal. As a result, I voted to report the bill from the Committee. However, I have two additional concerns that are not adequately addressed in the Committee reported bill.

First, the Forest Service is concerned that the bill is a bad precedent. I agree. S. 1159 requires the Forest Service to enter into a land exchange agreement with Kake Tribal Corporation, a village corporation, in order to return to Federal ownership lands within the township immediately surrounding the village that are important for municipal watershed purposes. In return, the village corporation will receive other lands on the Tongass National Forest that it can harvest. The Alaska Native Claims Settlement Act (ANCSA), Public Law 92-203, granted more than 200 village corporations rights to select public lands for a variety of uses. Each corporation was required to select, as part of its entitlement, all public land within the township in which the village is located. While ANCSA intended a village corporation to control lands within the immediately surrounding township, it did not require or anticipate that all lands conveyed to village corporations be suitable for development. The Forest Service believes that enactment of these bills will likely result in additional village corporations requesting to return lands around their village that they were required by law to select pursuant to ANCSA in order to secure land currently in Federal ownership that is more economically viable. Ultimately, S. 1159 has the potential to undo settled Alaska Native claims as more and more villages seek to turn lands back to the federal government in exchange for more desirable lands elsewhere in the state.

Second, the Forest Service opposes S. 1159 because it does not believe that enactment of the bill will result in a mutually beneficial exchange. I agree. Land exchanges are generally pursued where both parties derive benefits. The Forest Service asserts that no compelling reason exists for the Forest Service to re-acquire lands in order to manage them for local watershed purposes. In fact, the recent revision of the Tongass Land Use Management Plan expressly discourages the acquisition of lands containing municipal watersheds due to management difficulties (lack of staff and equipment as well as the need to prepare special use permits for existing developments on the lands such as dams, pipelines, and water tanks). While the fact that the exchange contemplated under this bill must be equal value rather than acre for acre is a very positive step, the bill still has serious flaws that should be addressed.

DALE BUMPERS.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill S. 1159, as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

ALASKA NATIVE CLAIMS SETTLEMENT ACT OF 1971 (43 U.S.C. 1601, ET SEQ.) AS AMENDED

SEC. . KAKE TRIBAL CORPORATION LAND EXCHANGE.

(a) *GENERAL.*—*The Secretary of Agriculture in accordance with the equal value provisions of section 22(f) shall convey to the Kake Tribal Corporation the Federal land as described in subsection (c).*

(b) *TITLE TO SURFACE AND SUBSURFACE.*—*Subject to valid existing rights and easements, the Secretary shall, no later than the deadline specified in (c)(2) of this section, convey to Kake Tribal Corporation title to the surface estate in the land described in subsection (c)(2) and convey to Sealaska Corporation title to the subsurface estate in that land.*

(c) *DESCRIPTION AND DEADLINES.*—*The land to be conveyed under this section is in the Copper River Meridian and is further described as follows:*

(1) *the surface and subsurface estates to the municipal watershed land to be conveyed by Kake Tribal Corporation and Sealaska to the United States no later than 90 days after the effective date of this section is shown on the map dated September 1, 1997, and labeled Attachment A, and is described as follows:*

Municipal Watershed—T56S, R72E

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lected from the lands depicted on the maps dated September 1, 1997, and labeled Attachments B and C.

(d) MANAGEMENT OF WATERSHED.—The Secretary of Agriculture shall enter into a Memorandum of Agreement with the City of Kake, Alaska to provide for management of the municipal watershed.

(e) TIMBER MANUFACTURING; EXPORT RESTRICTION.—Notwithstanding any other provision of law, timber harvested from land conveyed to Kake Tribal Corporation under this Act is not available for export as unprocessed logs from Alaska, nor may Kake Tribal Corporation sell, trade, exchange, substitute, or otherwise convey that timber to any person for the purpose of exporting that timber from the State of Alaska.

(f) RELATION TO OTHER REQUIREMENTS.—The land conveyed to Kake Tribal Corporation and Sealaska Corporation under this section shall be for all purposes, considered land conveyed under the Alaska Native Claims Settlement Act.

(g) MAPS.—The maps referred to in this section shall be maintained on file in the Office of the Chief, United States Forest Service, and in the Office of the Secretary of the Interior, Washington, DC. The acreage cited in this section is approximate, and if a discrepancy arises between cited acreage and the land depicted on the specified maps the maps shall control. The maps do not constitute an attempt by the United States to convey State or private land.